

## TEMPORARY OUTDOOR DINING PROGRAM

1. Purpose. Effective May 12, 2020, the City of Morgantown (“City”) is expanding use of public space for outdoor dining to promote safe public access to restaurants as businesses reopen following stay-at-home orders due to Coronavirus. The City will issue temporary outdoor dining permits to interested businesses anywhere in the City and without application fees or permit fees (\*permits allowing alcohol service are not covered in order to ensure compliance with ABCA regulations).

The City reserves all rights to terminate the program in its entirety or revoke an individual business’s approval of use of this temporary outdoor dining program, if the City determines that the program/approval is no longer in the best interest of the City.

2. Time Period. Permits issued under this program are valid from the date issued until **December 31, 2021**. This temporary program does not allow for outdoor dining beyond this specified timeframe. If businesses wish to continue outdoor dining beyond this time period, use of the City’s standard outdoor dining permit would be required, and additional permits would be needed.
3. Application. Interested businesses should complete this form and provide a drawing of the area that will be used for outdoor dining and a description of their equipment (number of tables, chairs, etc.). Applications should be submitted to the Finance Department.
4. Insurance and Responsibility. Applicants must keep the outdoor dining area clean and safe for the public. Each applicant certifies by completing this application that it has insurance coverage that will provide coverage for any and all claims related to the use of the outdoor dining area; that the applicant has added the City as an additional insured party on that contract of insurance; and that the applicant will defend, indemnify, and hold harmless the City and its officers and agents from any and all claims related to the outdoor dining area, unless it is based on the sole negligence of the City. This program does not waive other necessary approvals, such as Health Department requirements. All other local, state, and federal regulations still apply.
5. Review and Permitting. Applications will be reviewed by the City to ensure the outdoor dining will not interfere with pedestrian safety and travel, Americans with Disabilities Act requirements, physical distancing requirements necessary to public health, or otherwise cause a public disturbance or concern. Use of outdoor dining areas may only begin after the City returns a signed permit to the applicant.
6. Application: Applicants must submit the following information to apply for the temporary outdoor dining program.

a. Business name: \_\_\_\_\_

b. Business address: \_\_\_\_\_

- c. Owner/Agent name: \_\_\_\_\_
- d. Phone number: \_\_\_\_\_
- e. Email address: \_\_\_\_\_
- f. Insurance carrier and Policy Number: \_\_\_\_\_  
\_\_\_\_\_
- g. Days of the week: \_\_\_\_\_
- h. Hours of the day: \_\_\_\_\_
- i. Area permitted: **Please attach a drawing that includes site details, number of tables, chairs, etc. in relation to building, doors, sidewalk, etc. requested for the outdoor dining space.**

7. Permit: This area will be completed by City staff.

- a. Date issued: \_\_\_\_\_
- b. Restrictions / Additional Requirements: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant

City of Morgantown

\_\_\_\_\_  
By:  
Its:

\_\_\_\_\_  
By:  
Its:

Attachments: **Exhibit 1 – Outdoor Dining Area and Equipment**